IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.6905 OF 2007
DATE OF DECISION: 10-05-2007

Rajinder Singh son of Shri Sardool Singh, Ex. Junior Technician (Litho Inker), Printing and Stationery Department, U.T. Chandigarh at present resident of House No.2514, Sector 20C, Chandigarh.

.....PETITIONER

VERSUS

1. Union Territory of Chandigarh through Home Secretary, Chandigarh Administration, Union Territory Secretariat, Sector 9, Chandigarh.
2. Estate Officer, Union Territory, Chandigarh, Sector 17, Chandigarh.

.....RESPONDENTS

CORAM:- **HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA**
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.Kasturi Lal, Advocate
for the petitioner.

R S MADAN, J.

The petitioner who was working as Junior Technician (Litho Inker), Printing and Stationery Department, Union Territory, Chandigarh has misconducted himself by remaining willfully and unauthorizedly absent from duty, which led to his removal from service on 22-12-2003 vide Annexure P1. At the relevant time, the petitioner was in occupation of Government House No.2514, Sector 20C, Chandigarh. After his removal from service, the Secretary House Allotment Committee,

Chandigarh Administration cancelled the allotment as per the Government instructions/Rules. The petitioner did not vacate the premises, which led to the initiation of eviction proceedings against him under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The Estate Officer passed the order of eviction against him on 9-2-2007. He challenged the impugned order before the Additional District Judge, Chandigarh, who vide order dated 4-5-2007 dismissed the appeal of the petitioner and maintained the order of eviction. It was also observed that after the removal from the Government service since 22-12-2003, the petitioner had availed sufficient time to retain the possession of the house without any substantive right.

The petitioner through this writ petition has now challenged the order of the eviction passed by the Estate Officer on 9-2-2007 as well as the order passed by the learned Additional District Judge in appeal on 4-5-2007.

It is contended on behalf of the petitioner that he has challenged his order of removal before the Central Administrative Tribunal, Chandigarh, therefore, till the decision of the CAT, he is entitled to retain the Government accommodation.

We do not find any merit in his contention because once the order of removal from service has been passed against the petitioner, he has no substantive right to stay in the Government accommodation. He has already over-stayed in the Government accommodation by resisting the order of eviction before the Estate Officer as well as the Additional District Judge, Chandigarh. He cannot be now allowed to take further advantage by

resorting to writ jurisdiction.

We do not find any merit in this writ petition and the same is hereby dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

May 10, 2007
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